

AMENDED IN SENATE JUNE 30, 2014

AMENDED IN SENATE MAY 20, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Salas

February 22, 2013

An act to amend Section 10541 of, and to add ~~Section~~ *Sections 10544.5 and 10545* to, the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Salas. Integrated regional water management plans: nitrate, arsenic, perchlorate, or hexavalent chromium contamination.

Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorized the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Existing law, with regard to those bond funds, makes available to the Department of Water Resources, \$1,000,000,000 for grants for projects that assist local public agencies to meet the long term water needs of the state including the delivery of safe drinking water and the protection of water quality and the environment. The act requires that eligible projects implement integrated regional water management plans that meet specified criteria and requires the department to give preference to certain proposals.

Existing law, the Integrated Regional Water Management Planning Act, authorizes a regional water management group, as defined, to prepare and adopt an integrated regional water management plan. The act requires the Department of Water Resources to develop and adopt guidelines for the preparation of integrated regional water management plans used to apply for the above-described Proposition 84 funds.

This bill would make the guidelines applicable to all funds that are or may become available for integrated regional water management plan implementation. *If an area within the boundaries of an integrated regional water management plan has nitrate, arsenic, perchlorate, or hexavalent chromium contamination, the bill would require that the plan include a description of (1) the location and extent of that contamination in the region, (2) the impacts caused by the contamination to communities within the region, (3) existing efforts being undertaken in the region to address the impacts, and (4) any additional efforts needed to address the impacts. If a grant application includes areas that have nitrate, arsenic, perchlorate, or hexavalent chromium contamination, the bill would require the regional water management group include in the grant application information regarding how a project or projects in the application helps to address the contamination or an explanation why the application does not include such a project or projects. For grant applications that include areas that have nitrate, arsenic, perchlorate, or hexavalent chromium contamination, the bill would require the department to consider whether the regional water management group has included projects that help address the impacts caused by the contamination, including projects that provide safe drinking water to small disadvantaged communities.*

~~The bill would require an integrated regional water management plan to include an explanation of how the plan addresses nitrate contamination, or an explanation of why the plan does not address nitrate contamination, if an area within the boundaries of the plan has been identified as a nitrate high-risk area by the State Water Resources Control Board.~~

~~The bill would require the department when selecting projects for the above-described funds to establish a preference for projects that implement integrated regional water management plans that address nitrate impacts in areas identified as nitrate high-risk areas.~~

~~The bill would impose these same requirements with respect to arsenic, perchlorate, or hexavalent chromium contamination, irrespective~~

of whether an area within the boundaries of the plan has been identified as high risk for those contaminants.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10541 of the Water Code is amended to
2 read:

3 10541. (a) The department shall develop project solicitation
4 and evaluation guidelines for the application of funds made
5 available pursuant to Section 75026 of the Public Resources Code
6 and all other funds that are or may become available for integrated
7 regional water management plan implementation, including a
8 future water bond, to enable broad and diverse participation in
9 integrated regional water management plan development and
10 refinement.

11 (b) The department shall conduct two public meetings to
12 consider public comments prior to finalizing the guidelines. The
13 department shall publish the draft solicitation and evaluation
14 guidelines on its Internet Web site at least 30 days before the public
15 meetings. One meeting shall be conducted at a location in northern
16 California and one meeting shall be conducted at a location in
17 southern California. Upon adoption, the department shall transmit
18 copies of the guidelines to the fiscal committees and the appropriate
19 policy committees of the Legislature. To the extent feasible, each
20 state agency shall provide outreach to disadvantaged communities
21 to promote access to and participation in those meetings.

22 (c) The department shall consult with the board, the California
23 regional water quality control boards, the State Department of
24 Public Health, the Department of Fish and Wildlife, the California
25 Bay-Delta Authority or its successor, and other state agencies with
26 water management responsibility and authority in the development
27 of the guidelines.

28 (d) The department may periodically review and update the
29 guidelines to accommodate changes in funding sources, statutory
30 requirements, new commonly accepted management practices,
31 and changes in state water management policy. Any guideline
32 changes shall be made with appropriate consultation with other

1 state agencies and public review pursuant to subdivisions (b) and
2 (c).

3 (e) The guidelines shall require that integrated regional water
4 management plans include all of the following:

5 (1) Consideration of all of the resource management strategies
6 identified in the California Water Plan, as updated by department
7 Bulletin No. 160-2005 and future updates.

8 (2) Consideration of objectives in the appropriate basin plan or
9 plans and strategies to meet applicable water quality standards.

10 (3) Description of the major water-related objectives and
11 conflicts within a region.

12 (4) ~~Measurable~~ *To the extent possible, measurable* regional
13 objectives and criteria for developing regional project priorities.

14 (5) An integrated, collaborative, multibenefit approach to
15 selection and design of projects and programs.

16 (6) Identification and consideration of the water-related needs
17 of disadvantaged communities in the area within the boundaries
18 of the plan.

19 (7) Performance measures and monitoring to demonstrate
20 progress toward meeting regional objectives.

21 (8) A plan for implementation and financing of identified
22 projects and programs.

23 (9) Consideration of greenhouse gas emissions of identified
24 programs and projects.

25 (10) Evaluation of the adaptability to climate change of water
26 management systems in the region.

27 (11) Documentation of data and technical analyses used in the
28 development of the plan.

29 (12) A process to disseminate data and information related to
30 the development and implementation of the plan.

31 (13) A process to coordinate water management projects and
32 activities of participating local agencies and local stakeholders to
33 avoid conflicts and take advantage of efficiencies.

34 (14) ~~If an area within the boundaries of the plan has been~~
35 ~~identified as a nitrate high-risk area by the state board, the plan~~
36 ~~shall include an explanation of how the plan addresses the nitrate~~
37 ~~contamination or, if the plan does not address the nitrate~~
38 ~~contamination, an explanation of why the plan does not address~~
39 ~~the nitrate contamination. The plan shall include an explanation~~
40 ~~of how the plan addresses arsenic, perchlorate, or hexavalent~~

~~chromium contamination, or if the plan does not address those~~
~~contaminants, an explanation of why the plan does not address~~
~~that contamination. nitrate, arsenic, perchlorate, or hexavalent~~
chromium contamination, the plan shall include a description of
each of the following:

(A) The location and extent of that contamination in the region.

(B) The impacts caused by the contamination to communities
within the region.

(C) Existing efforts being undertaken in the region to address
the impacts.

(D) Any additional efforts needed to address the impacts.

(15) Any other matters identified by the department.

(f) The guidelines shall include standards for identifying a region
for the purpose of developing or modifying an integrated regional
water management plan. At a minimum, a region shall be a
contiguous geographic area encompassing the service areas of
multiple local agencies, and shall be defined to maximize
opportunities for integration of water management activities. The
department shall develop a process to approve the composition of
a region for the purposes of Sections 75026, 75027, and 75028 of
the Public Resources Code.

(g) The guidelines shall require that the development and
implementation of an integrated regional water management plan
include a public process that provides outreach and an opportunity
to participate in plan development and implementation to
appropriate local agencies and stakeholders, as applicable to the
region, including all of the following:

(1) Wholesale and retail water purveyors, including a local
agency, mutual water company, or a water corporation as defined
in Section 241 of the Public Utilities Code.

(2) Wastewater agencies.

(3) Flood control agencies.

(4) Municipal and county governments and special districts.

(5) Electrical corporations, as defined in Section 218 of the
Public Utilities Code.

(6) Native American tribes that have lands within the region.

(7) Self-supplied water users, including agricultural, industrial,
residential, park districts, school districts, colleges and universities,
and others.

(8) Environmental stewardship organizations, including watershed groups, fishing groups, land conservancies, and environmental groups.

(9) Community organizations, including landowner organizations, taxpayer groups, and recreational interests.

(10) Industry organizations representing agriculture, developers, and other industries appropriate to the region.

(11) State, federal, and regional agencies or universities, with specific responsibilities or knowledge within the region.

(12) Disadvantaged community members and representatives, including environmental justice organizations, neighborhood councils, and social justice organizations.

(13) Any other interested groups appropriate to the region.

(h) The guidelines shall require integrated regional water management plans to be developed through a collaborative process that makes public both of the following:

(1) The process by which decisions are made in consultation with the persons or entities identified in subdivision (g).

(2) The manner in which a balance of interested persons or entities representing different sectors and interests listed in subdivision (g) have been or will be engaged in the process described in this subdivision, regardless of their ability to contribute financially to the plan.

(i) The guidelines shall provide for a process for the development, periodic review, updating, and amending of integrated regional water management plans. The department shall establish eligibility requirements for the project funding, that provide sufficient time for the updating of plans as necessary to reflect changes in the guidelines.

SEC. 2. Section 10544.5 is added to the Water Code, to read:

10544.5. For grant applications that include areas that have nitrate, arsenic, perchlorate, or hexavalent chromium contamination, the regional water management group shall include in the grant application information regarding how a project or projects in the application help to address the contamination or an explanation why the application does not include that kind of project or projects.

~~SEC. 2.~~

SEC. 3. Section 10545 is added to the Water Code, to read:

1 10545. When selecting projects pursuant to Section 75026 of
2 the Public Resources Code or for other funds that are or may
3 become available for integrated regional water management plan
4 implementation for, the department shall provide a preference for
5 projects that implement integrated regional water management
6 plans that address either of the following: *implementation, the*
7 *department shall consider for grant applications that include areas*
8 *that have nitrate, arsenic, perchlorate, or hexavalent chromium*
9 *contamination, whether the regional water management group*
10 *has included projects that help address the impacts caused by*
11 *nitrate, arsenic, perchlorate, or hexavalent chromium*
12 *contamination, including projects that provide safe drinking water*
13 *to small disadvantaged communities.*

14 ~~(a) Nitrate impacts in areas that have been identified by the state~~
15 ~~board as nitrate high-risk areas, including projects that provide~~
16 ~~safe drinking water to small disadvantaged communities.~~

17 ~~(b) Arsenic, perchlorate, or hexavalent chromium impacts,~~
18 ~~including projects that provide safe drinking water to small~~
19 ~~disadvantaged communities.~~